

§ 165.1308

122°22'05" W; thence to Latitude 47°37'08" N, Longitude 122°22'27" W; thence returning to the origin. This safety zone resembles a square centered around the barge from which the fireworks will be launched and begins 100 yards from the shoreline of Myrtle Edwards Park. Floating markers will be placed by the sponsor of the fireworks display to delineate the boundaries of the safety zone [Datum NAD 1983].

(b) *Effective dates.* This section is effective annually on July fourth from 9:30 p.m. to 11 p.m. unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, puget sound, Seattle, WA.

[CGD13-95-007, 60 FR 61482, Nov. 30, 1995, as amended by CGD13-97-015, 62 FR 39445, July 23, 1997]

**§ 165.1308 Columbia River, Vancouver, WA.**

(a) *Location.* The following area is a safety zone: All waters of the Columbia River at Vancouver, Washington, bounded by a line commencing at the northern base of the Interstate 5 highway bridge at latitude 45°37' 17" N, longitude 122°40' 22" W; thence south along the Interstate 5 highway bridge to latitude 45°37' 03" N, longitude 122°40' 32" W; thence to latitude 45°36' 28" N, longitude 122°38' 35" W; thence to Ryan's Point at latitude 45°36' 42" N, longitude 122°38' 35" W; thence along the Washington shoreline to the point of origin. [Datum: NAD 83].

(b) *Effective dates.* This section is effective annually on July fourth from 9 p.m. to 11 p.m. (PDT) unless otherwise specified by FEDERAL REGISTER notice.

(c) *Regulation.* In accordance with the general regulations in §165.23 of this part, entry into this safety zone is prohibited unless authorized by the Captain of the Port, Portland, Oregon.

[CGD13-95-055, 61 FR 18949, Apr. 30, 1996]

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FOURTEENTH COAST GUARD DISTRICT

**§ 165.1310 Strait of Juan de Fuca and adjacent coastal waters of Northwest Washington; Makah Whale Hunting—Regulated Navigation Area.**

(a) The following area is a Regulated Navigation Area (RNA): From 48°10.0' N, 124°42.1' W northward along the mainland shoreline of Washington State to Cape Flattery and thence eastward along the mainland shoreline of Washington State to 48°22' N, 124°34' W; thence due north to 48°24.5' N, 124°34' W; thence northwesterly to 48°27.1' N, 124°41.8' W; thence due west to 48°27.1' N, 124°45.5' W; thence southwesterly to 48°22.7' N, 124°49.3' W; thence southerly along the three nautical mile line to 48°15' N, 124°47.6' W; thence due east back to the shoreline of Washington at 48°15' N, 124°42.1' W. Datum: NAD 1983.

(b) During a whale hunt, while the international numeral pennant five (5) is flown by a Makah whale hunt vessel, the following area within the RNA is a Moving Exclusion Zone: The column of water from the surface to the seabed with a radius of 500 yards centered on the Makah whale hunt vessel displaying international numeral pennant five (5). This Moving Exclusionary Zone is activated only when surface visibility exceeds one nautical mile, between sunrise and sunset, and the Makah whale hunt vessel displays the international numeral pennant five (5). The Moving Exclusionary Zone is deactivated upon sunset, visibility is reduced to less than one nautical mile, or when the Makah hunt vessel strikes international numeral pennant five (5).

(c) Unless otherwise authorized by the Commander, Thirteenth Coast Guard District or his or her representative, no person or vessel may enter the active Moving Exclusionary Zone except for:

(1) Authorized Makah whale hunt vessel actively engaged in hunting operations under direction of the master of the Makah vessel flying international numeral pennant five (5), and

(2) A single authorized media pool vessel operating in accordance with paragraph (f) of this section.

(d) The international numeral pennant five (5) is only authorized to be displayed from one Makah whale hunt vessel during actual whale hunt operations. No other vessels may display this pennant within the RNA at any time. Whale hunt operations commence when a whale hunt vessel is underway and its master intends to have a whale killed during the voyage. Whale hunt operations cease once this intent is abandoned, a whale is landed, or when the international numeral pennant five (5) is struck.

(e) The Makah Tribe shall make SECURITE Broadcasts beginning one hour before the commencement of a hunt and every half hour thereafter until hunting activities are concluded. This broadcast shall be made on channel 16 VHF-FM and state:

A whale hunt is proceeding today within the Regulated Navigation Area established for Makah whaling activities. The (name of vessel) is a (color and description of vessel) and will be flying international numeral pennant five (5) while engaged in whaling operations. This pennant is yellow and blue in color. Mariners are required by federal regulations to stay 500 yards away from (name of vessel), and are strongly urged to remain even further away from whale hunt activities as an additional safety measure.

(f)(1) Credentialed members of the media interested in entering the Moving Exclusionary Zone may request permission to operate a single media vessel in the Moving Exclusionary Zone by telephoning Coast Guard Public Affairs, as soon as practicable at (206) 220-7237 during normal working hours, and (206) 220-7001 after hours. Coast Guard preauthorization is required prior to entry into the Moving Exclusionary Zone by a single media pool vessel.

(2) The media pool vessel must be a U.S. documented vessel. The media pool vessel must be under command at all times within the Moving Exclusionary zone by a master licensed in the U.S. to carry passenger for hire. All expenses, liabilities and risks associated with operation of the media pool vessel lie with members of the pool and the pool vessel owners and operators.

(3) The master of the media pool vessel shall maneuver to avoid positioning the pool vessel between whales and hunt vessel(s), out of the line of fire, at a prudent distance and location relative to whale hunt operations, and in a manner that avoids hindering the hunt or path of the whale in any way.

(4) Although permitted to maneuver within the Moving Exclusionary Zone, personnel aboard the media pool vessel are still required to follow safety and law enforcement related instructions of Coast Guard personnel.

[CGD 13-98-023, 63 FR 52609, Oct. 1, 1998]

#### **§ 165.1401 Apra Harbor, Guam—safety zones.**

(a) The following is designated as Safety Zone A—The waters of the Pacific Ocean and Apra Outer Harbor encompassed within an arc of 725 yards radius centered at the center of Wharf H. (Located at 13°27' 47" N and 144°39' 01.9"E. Based on World Geodetic System 1984 Datum)

(b) The following is designated Safety Zone B—The waters of Apra Outer Harbor encompassed within an arc of 680 yards radius centered at the center of Naval Wharf Kilo. (Located at 13°26' 43" N, 144°37' 46.7"E. Based on World Geodetic system 1984 Datum)

(c) Special regulations. (1) Section 165.23 does not apply to Safety Zone A and/or Safety Zone B, except when Wharf H and/or Naval Wharf Kilo, or a vessel berthed at Wharf H and/or Naval Wharf Kilo, is displaying a red (BRAVO) flag by day or a red light by night.

(2) In accordance with the general regulations in 165.23 of this part, entry into these zones is prohibited unless authorized by the Captain of the Port, Guam.

[COTP Guam Reg. 89-001, 55 FR 18725, May 4, 1990]

#### **§ 165.1402 Apra Outer Harbor, Guam—regulated navigation area.**

(a) The following is a regulated navigation area—The waters of the Pacific Ocean and Apra Outer Harbor enclosed by a line beginning at latitude 13°26' 47" N, longitude 144°35' 07"E; thence to Spanish Rocks at latitude 13°27' 09.5" N, longitude 144°37' 20.6"E; thence along